



PATENT

In the UNITED STATES PATENT and TRADEMARK OFFICE

APPLICANT:	Baxter, et al	EXAMINER:	not yet assigned
SERIAL NO.:	10/810,762	ART UNIT:	1614
FILING DATE:	March 26, 2004	DOCKET NO.:	7357US01
TITLE:	HMB COMPOSITIONS AND USES THEREOF	I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450 on the date shown below.	
		<i>Wendy Detwiler 9-17-04</i> Wendy Detwiler Date	

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Honorable Sir:

**DECLARATION AND POWER OF ATTORNEY
FOR A UNITED STATES PATENT APPLICATION**

As a below-named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and JOINT inventor of the subject matter which is claimed and for which a patent is sought on the invention titled **HMB Compositions and Uses Thereof**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Claim to benefit of foreign application(s) as follows:

I hereby claim foreign priority benefits under Title 35 U.S.C. §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventors certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

NONE

Claim to benefit of earlier U.S. application(s) as follows:

I hereby claim the benefit under Title 35 U.S.C. §120 of the following earlier filed United States patent applications, or under §365(c) of any PCT international application designating the United States of America, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. or PCT international applications in the manner required by the first paragraph of Title 35 U.S.C. §112.1, I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 C.F.R. §1.56 which became available



between the filing date(s) of the prior applications and the national or PCT international filing date of this application.

NONE

I hereby claim the benefit under Title 35, United States Code, §119(e) of any the United States Provisional application listed below.

10/810,762 Filed: March 26, 2004

I hereby appoint the following attorneys and/or agents to prosecute this application and any continuation or divisional applications based hereon, and to transact all business in the Patent and Trademark Office connected therewith:

	USPTO <u>Reg. No.</u>
ANDERSON, Regina M.	35,820
BECKER, Cheryl L.	35,441
BRAINARD, Thomas D.	32,459
CALLOWAY, Valerie	40,546
CASUTO, Dianne	40,943
CHEN, Portia	44,075
COLLINS, Daniel W.	31,912
CONWAY, John D.	39,150
CORBIN, Johanna M.	51,582
CRABB, Michael R.	37,298
CROWLEY, Steven R.	31,604
DANCKERS, Andreas M.	32,652
DONNER, B. Gregory	34,580
FUZAIL, Kalim S.	45,805
GALLOWAY, Norval B.	30,303
GOLLER, Mimi C.	39,046
JAMES, Patricia Coleman	37,155
MURRAY, William E.	30,303
O'BRIEN, Gayle B.	48,812
POPE, Lawrence S.	26,791
POULOS, Nicholas A.	30,209
ROGERS, Christopher P.	36,334
SCHODIN, David J.	41,294
SESHADRI, Tara	48,591
STEELE, Gregory W.	33,769
TWAROWSKI, Joseph A.	42,191
VRIONI, Beth A.	39,869
WARD, Michael J.	37,960
WARK, Allen W.	30,503
WEINSTEIN, David L.	28,128
WEINSTOCK, Steven F.	30,117
WINTER, William J.	36,060
YASGER, Paul D.	37,477
ZWICKER, Kenneth P.	43,310

Send correspondence to:

William J. Winter
Ross Products Division of
ABBOTT LABORATORIES
Dept. 108140-DS1
625 Cleveland Avenue
Columbus, Ohio 43215-1724

Direct telephone calls to:

(614) 624-5686

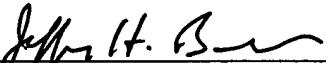
Name: Jeffrey H. Baxter
Post Office Address: Same as residence
Residence: 711 Caroway Blvd.
Gahanna, OH 43230
Citizenship: USA

Name: Pradip Mukerji
Post Office Address: Same as residence
Residence: 1069 Arcaro Drive
Gahanna, OH 43230
Citizenship: USA

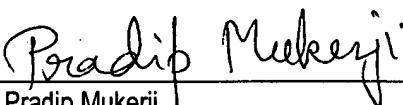
Name: Anne C. Voss
Post Office Address: Same as residence
Residence: 1526 Bridgeton Drive
Columbus, OH 43220
Citizenship: USA

Name: Michael J. Tisdale
Post Office Address: Aston University
Aston Triangle
Birmingham B4 7ET
United Kingdom
Citizenship: UK

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

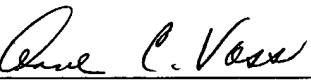


Jeffrey H. Baxter



Pradip Mukerji

Date: September 3, 2004 Date: September 3, 2004



Anne C. Voss

Michael J. Tisdale

Date: August 26, 2004 Date:



Name: Jeffrey H. Baxter
Post Office Address: Same as residence
Residence: 711 Caroway Blvd.
Gahanna, OH 43230
Citizenship: USA

Name: Pradip Mukerji
Post Office Address: Same as residence
Residence: 1069 Arcaro Drive
Gahanna, OH 43230
Citizenship: USA

Name: Anne C. Voss
Post Office Address: Same as residence
Residence: 1526 Bridgeton Drive
Columbus, OH 43220
Citizenship: USA

Name: Michael J. Tisdale
Post Office Address: Aston University
Aston Triangle
Birmingham B4 7ET
United Kingdom
Citizenship: UK

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Jeffrey H. Baxter

Pradip Mukerji

Date: _____

Date: _____

Anne C. Voss

Michael J. Tisdale

Date: _____

Date: 18 / 8 / 04